

PROB 12B
(7/93)

Report Date: December 1, 2008

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

DEC 02 2008

Eastern District of Washington

JAMES R. LARSEN, CLERK

DEPUTY
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Delmar Edmond Marsengill

Case Number: 2:02CR00044-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 10/04/2002

Type of Supervision: Supervised Release

Original Offense: Unlawfully Manufacturing Over
100 Marijuana Plants., 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 07/20/2007

Original Sentence: Prison - 70 Months;
TSR - 48 Months

Date Supervision Expires: 07/19/2011

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 16 You shall reside in a residential reentry center for a period of up to 120 days. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

CAUSE

On November 15, 2008, Delmar Marsengill submitted a urine specimen that was confirmed positive for morphine. Given his history of opiate addiction and abuse, he was immediately referred to outpatient drug treatment at New Horizon Care Center. On November 21, 2008, he again submitted a urine specimen that revealed initial positive findings for opiates. He failed to report for urinalysis testing on November 30, 2008. On December 1, 2008, he met with the undersigned officer and admitted that he had fallen back into regular use of opiated based prescription drug use. It was further discussed that he did not have a stable residence or employment. Given his recent drug use, and failure to maintain stable employment and residence, he has agreed to the above modification of supervision conditions as indicated by the attached signed waiver of hearing to modify conditions. His placement at a residential reentry center will allow him to continue with substance abuse counseling, locate stable employment, and residence. Additionally, he has been referred to the Eastern District of Washington Sobriety Treatment Education Program (STEP).

Prob 12B

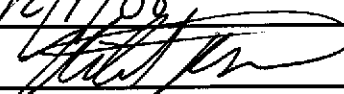
Re: Marsengill, Delmar Edmond

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

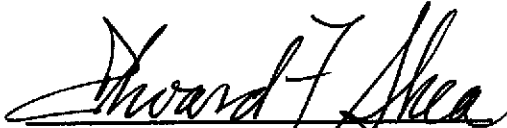
12/1/08


Richard B. Law

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

12/2/08
Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

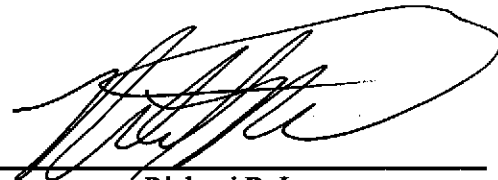
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 16 You shall reside in a residential reentry center for a period of up to 120 days. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

Witness:



Richard B. Law
U.S. Probation Officer

Signed:



Delmar Edmond Marsengill
Probationer or Supervised Releasee

December 1, 2008

Date